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Morris I. Leibman, Chairman

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Attorney General Discusses Intelligence Capabilities

Editor's Note: On December 18, 1981, Attorney General William French Smith spoke before the Los Angeles World Affairs Council. His speech dealt with the depleted state of our intelligence capabilities at the point where the Reagan administration took over and with the measures that have been taken since that time to restore these capabilities. Written from the standpoint of the nation's number one lawyer, the speech contained a lot of valuable history in addition to a concise but remarkably comprehensive review of the various measures initiated by the administration. We are reprinting the following excerpts because we feel that the attorney general's speech is one that most of our readers would not want to miss.

Forty years ago on December 7 our nation awoke to experience the reality of inadequate intelligence. Even as the Pacific war's beginning testified to the inadequacy of this nation's intelligence capabilities, a much-improved American and allied intelligence system speeded its successful ending.

The importance of intelligence gathering to this country is, however, as old as the country. George Washington, who personally supervised such operations during the Revolutionary War, in 1777 noted "the necessity of procuring good intelligence" and the "secrecy" upon which the effort depends. From that day to the present, effective and secret intelligence-gathering has enhanced the security of the United States. In the nuclear age it has become essential to our preservation.

At the same time, secrecy cannot be unrestrained in a democracy. Ours is a nation of laws because we recognize the dangers when even well-intentioned officials exercise power in secret. Even as the preservation of our national security requires effective intelli-

gence gathering, the preservation of our national principles requires accountability and obedience to law in the exercise of governmental authority—especially when secrecy is necessary.

Prior to 1975, intelligence matters only occasionally received public exposure. U. S. intelligence remained an iceberg with nine-tenths of its substance below the surface.

During the 1970s, however, a number of improper activities by our intelligence agencies were disclosed in the Congress and the press. . . .

An emotionally charged, public reaction naturally followed. Administration and congressional bodies

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Upcoming Law Professor Programs

The Standing Committee on Law and National Security will cosponsor the next law professor workshop at the University of Mississippi, Oxford, Mississippi, on May 20-22. The program will deal with the law and national security ramifications of new space technology, including the space shuttle.

As an adjunct to the law professor workshop program, the committee is cosponsoring a special colloquium at the University of Georgia, Athens, Georgia, on May 7-8. Entitled "Internal Conflicts: Dilemmas in International Law," it will honor Dean Rusk for his contributions to the development, study and practice of international law.

Appropriate invitations will be issued by the hosting institutions. Law professors and others interested in attending should contact: Professor Stephen Gorove, University of Mississippi Law Center, University, Mississippi 38677 (Tel. 601-232-7361); Professor Gabriel M. Wilner, University of Georgia School of Law, Athens, Georgia 30602 (Tel. 404-542-7140).

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